

**BOARD OF OPTOMETRY
BOARD MEETING
JANUARY 29, 2009**

TIME AND PLACE: The meeting was called to order at 11:05 a.m. on Thursday, January 29, 2009 at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 3, Henrico, VA.

PRESIDING OFFICER: David H. Hettler, O.D, President

MEMBERS PRESENT: Paula H. Boone, O.D.
Gregory P. Jellenek, O.D.
Jonathan R. Noble, O.D.
W. Ernest Schlabach, O.D.
Jacquelyn S. Thomas, Citizen Member

STAFF PRESENT: Eric A. Gregory, Assistant Attorney General, Board Counsel
Elizabeth A. Carter, Ph.D., Executive Director for the Board
Elaine Yeatts, Senior Regulatory Analyst
Carol Stamey, Operations Manager

OTHERS PRESENT: Betty Graumlich, Esquire, NAOO

QUORUM: With six members of the Board present, a quorum was established.

AGENDA: The agenda was revised to include the following items under "Discussion": OE Tracker and COPE.

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Schlabach, the Board voted unanimously to approve the minutes of the August 6, 2008 meeting.

DEPARTMENT DIRECTOR'S REPORT: It was reported that Ms. Ryals was in attendance at the meeting of the General Assembly. Further, that the information of the Director will be conveyed in the following reports provided by Ms. Yeatts and Dr. Carter.

DHP LEGISLATIVE/REGULATORY UPDATE: **Legislation**
Ms. Yeatts presented an update of the 2009 proposed legislation that is relevant to the agency. The proposed legislation is incorporated into minutes as Attachment 1.

Regulatory Update

Ms. Yeatts apprised the Board that there were two optometry proposed regulatory actions in review at the Department of Planning and Budget: 18VAC 105-20-70 CE Regulations and 18VAC 105-20-40 and 45 Standards of Practice. Further, that she and Dr. Carter would be meeting by telephone conference tomorrow with the Department of Planning and Budget to discuss the proposed regulations.

COMMITTEE REPORTS:

Legislative/Regulatory Review Committee

Dr. Hettler reported that the Committee had met and proposed the following recommended regulatory changes to Chapter 20:

18VAC 105-20-20 Fees

- 1) increase licensure verification from \$10 to \$20
- 2) increase the professional designation (PD) application fee from \$100 to \$200

18 VAC 105-20-10 and 16 Licensure by Examination and Requirements for TPA Certification

- 1) add language to the regulations reflecting the changes to the National Board Examination, specifically, that the TMOD (Treatment and Management of Ocular Disease examination) will be embedded in Part II. Additionally, that effective 2010, the TMOD will no longer be a separate examination.

18VAC 105-20-40 and 45 Unprofessional Conduct and Standards of Practice

Dr. Hettler requested that the language in 18VAC 105-20-40.2 be revised as follows: "Disclose to the board any disciplinary action taken against licensee by a regulatory body in another jurisdiction."

Dr. Hettler requested that the language regarding a "one year expiration date" on contact lens and spectacle prescriptions be included in 18VAC 105-20-45.B

18VAC 105-20-50 Professional Designation

With regard to the Professional Designation Regulations, the Committee reported that due to the need for legal consultation, the review of these regulations will be placed on the Board's next agenda.

Ms. Yeatts informed the Board that revisions or additions could not be made until the NOIRA had been approved for publishing.

Dr. Hettler also reported that the Committee had requested that letters be forwarded to all non-TPA licensees informing them of the changes to the National Board Examination, specifically that TMOD will no longer be administered as a separate examination beginning in 2010.

On properly seconded motion by Dr. Jellenek, the Board voted unanimously to accept the recommendations of the Committee as presented.

Professional Designation Committee

Dr. Boone reported that the PD Committee had approved six applications since November 2008.

Expired Professional Designations

The Board requested that staff provide a listing of all expired PD locations.

Credentials Committee

Dr. Boone reported that two applications had been approved through the Credentials Committee since the Board's last meeting.

DISCUSSION ITEMS:

Approval of COPE Reviewer Candidates

It was the consensus of the Board to approve the COPE Reviewer Candidates: Lisa Bishop, O.D. and Daniel R. Eckermann, O.D.

Expansion of Use of Agency Subordinates

Dr. Carter reported that due to the number of business practice cases and their complexity, the Board should consider expanding its use of agency subordinates. She noted that currently the Board contracts with an agency subordinate to review continuing education.

Dr. Carter apprised the Board of proposed legislation for the Board of Dentistry regarding the recovery of administrative costs associated with investigation and monitoring of a licensee. She stated that there will be an update on this item in the future.

Addition of Consumer Information to Frequently Asked

Questions

Ms. Stamey apprised the Board that the FAQ section of the Board's webpage did not include consumer frequently asked questions. Further, that adding a consumer section could greatly assist the public. Ms. Stamey presented several areas of consumer issues and requested that the Board members assist her addressing these issues.

On properly seconded motion by Dr. Noble, the Board voted unanimously to add a consumer FAQ section to the Board's website.

Placing "Probation with Terms" on Licensure Permits

With regard to licensees who have egregious standard of care disciplinary action taken against their licenses to practice, Dr. Carter reported that language could be added to the licensure permits reflecting the disciplinary status of the license. Dr. Carter requested the Board's opinion and on properly seconded motion by Ms. Thomas, the Board voted unanimously to approve the board's authority to add the language "probation with terms" to a licensure permit involving egregious standard of care.

OE Tracker

Dr. Schlabach presented an update on the status of the OE Tracker Program and the states who are participating in the program. He further stated that as a result of a survey of all states, an educational manual was being developed for posting on the ARBO webpage. Dr. Schlabach noted that it appeared that the cost per person to collect and disseminate data was estimated at \$20.00 per person.

COPE

Dr. Schlabach reported that the Committee continues to struggle with the new standards for commercial support. He further reported that the National Steering Committee comprised of representatives of the various optometric organizations was meeting in February/March. The Committee will be meeting to develop guidelines in continuing education, industry support, disclosure and advertising.

ARBO Annual Meeting

Dr. Schlabach noted that the annual meeting of ARBO has been set to meet in Maryland the dates of June 21st through the 23rd.

Joint Task Force

Dr. Schlabach reported that the Joint Board Certification Project Team had presented a draft model for board certification at the January 23rd President's Council in St. Louis. He stated that there will be continuous updates and the proposal will be discussed by the AOA House of Delegates Optometry Meeting in Washington, DC in June 2009.

PRESIDENT'S REPORT:

2009 Calendar

Dr. Hettler presented the proposed 2009 meeting calendar with revision. He requested that the May meeting be changed from May 22nd to May 18th. The 2009 calendar dates have been set as follows:

February 26, 2009 – Hearings

March 25, 2009 – Hearings

April 21, 2009 – Committees/Full Board/Hearings

May 18, 2009 – Hearings

July 22, 2009 – Committees/Full Board/Hearings

August 27, 2009 – Hearings

September 25, 2009 – Hearings

October 29, 2009 – Committees/Full Board/Hearings

December 8, 2009 – Hearings

Upcoming ARBO Meeting

Dr. Hettler ~~requested that Dr. Boone~~ reported that he will attend the annual meeting representing Virginia as well as Dr. Carter who serves as Co-Chair on the Judicial Council.

EXECUTIVE DIRECTOR'S REPORT:

Update on HPIP

Dr. Carter reported that legislation has been introduced to reflect the program's emphasis on monitoring rather than treatment. She reported that additional proposed changes included participation fees and that the program titling be revised to the Health Practitioner Monitoring Program.

VA Performs

Dr. Carter presented an update on the results of the Board's Key Performance Measures. Specifically, she noted that Optometry had met its 250 day closure rate regarding patient care cases. Dr. Carter also provided an update on the Agency's overall Key Performance Measures.

Budget

Dr. Carter reported that the Board had expended approximately forty-five (45) percent of its budget.

Statistics

Dr. Carter presented an overview of the Board's latest licensure statistics.

NBEO Examination Restructuring

As discussed earlier, Dr. Carter reported that the National Board of Examiners will begin implementing changes to its examinations in 2009 through 2010. Specifically, that the Section, "Patient Assessment and Management", will no longer be a component of Part III and will be incorporated into Part II. Dr. Carter further reported that the PAM section of Part II will be lengthened into two sessions to include TMOD. Effective 2010, the TMOD examination will no longer be a stand alone examination and any candidate or licensee seeking a TMOD score, must take the PAM examination.

Workforce Center

Dr. Carter apprised the Board of the formation of a Workforce Center to be housed within the agency. Further, that the Workforce Center will collect data to identify healthcare shortages in Virginia beginning its focus on Nursing and Medicine statistics.

**ELECTIONS/COMMITTEE
ASSIGNMENTS:**

Dr. Schlabach moved that Dr. Hettler and Dr. Boone continue to serve in their current positions. The motion was seconded and carried unanimously.

Dr. Hettler called for any requests to serve on different Committees; there were no requests for changes.

NEW BUSINESS:

Dr. Carter reported that the Board of Optometry was the only Board that did not have formal bylaws. The Board requested that samples of other board's bylaws be forwarded to the members for review at the next meeting.

ADJOURNMENT:

The Board concluded its meeting at 12:25 p.m.

David H. Hettler, O.D.
President

Elizabeth A. Carter, Ph.D.
Executive Director